

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-40045 FDS

APR 21 P 2:50  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

**CITIBANK, N.A. AS TRUSTEE,**

**Plaintiff,**

**v.**

**JOHN P. PHELAN, WENDY M. PHELAN,  
DAVID LA BRIE, THE UNITED STATES OF  
AMERICA, O'CALLAGHAN  
CONSTRUCTION COMPANY AND THE  
COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF REVENUE,**

**Defendants.**

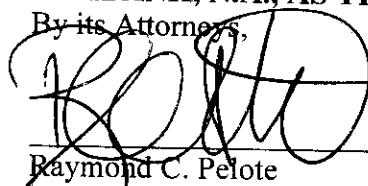
**REQUEST FOR DEFAULT**  
**(Rule 55 (a))**

I, Raymond C. Pelote, attorney for the above-named Plaintiff, CitiBank N.A., as Trustee, state that a Complaint in this action was filed on or about January 27, 2005. The summons and a copy of the Complaint were served on the Defendant, John Phelan, on or about March 25, 2005, as appears from the Sheriff's return of service filed with the Court on March 30, 2005. The Defendant, John Phelan, failed to serve responsive pleadings or to otherwise defend as provided by rule.

WHEREFORE, the CitiBank N.A., as Trustee, makes application that the Defendant, John Phelan, be defaulted.

Signed under the penalties of perjury this 20<sup>th</sup> day of April 2005.

**CITIBANK, N.A., AS TRUSTEE,**  
By its Attorneys,



Raymond C. Pelote  
BBO# 655475  
Harmon Law Offices, P.C.  
P.O. Box 610389  
Newton Highlands, MA 02461-0389  
(617) 558-0500

April 20, 2005

**CERTIFICATE OF SERVICE**

I, Raymond C. Pelote, hereby certify that true copies of the Request for Default were served on April 20, 2005 by mailing via first class mail, postage prepaid, to:

Lydia Bottome Turanchik  
Trial Attorney, Tax Division  
U.S. Department of Justice  
P.O. Box 55, Ben Franklin Station  
Washington, D.C., 20044

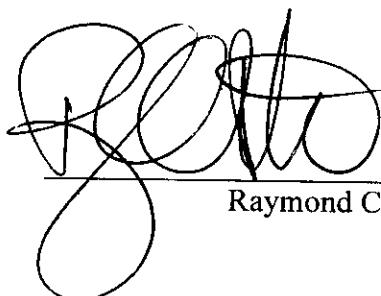
John Phelan  
1 Catacunamaug Road  
Shirley, MA 01464

O'Callaghan Construction Company  
c/o Edwin H. Howard  
Bonville & Howard  
154 Prichard Street  
Fitchburg, MA 01420

Wendy M. Phelan  
c/o John J. Curley, Esq.  
McEvilly & Curley  
48 West Street, Suite 1  
Leominster, MA 01453

Eileen Ryan McAuliffe  
Massachusetts Department of Revenue  
Litigation Bureau  
P.O. Box 9565  
100 Cambridge Street  
Boston, MA 02114

David La Brie  
c/o Peter M. Mirageas  
27 Prospect Street  
Marlborough, MA 01752



Raymond C. Pelote